

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF SHREWSBURY'S ELECTRIC
LIGHT PLANT TO FIBER TECHNOLOGIES NETWORKS, L.L.C.

D.T.E. 01-70

December 20, 2001

Witness Responsible: Frank Chiaino, Chief Operating Officer of Fibertech

SELP 2-7: Please refer to Mr. Chiaino's testimony at page 3. For each area in New York in which Fibertech has a "completed network," please

- (a) provide a description of that network (length, transmission capabilities, capacity levels);
- (b) when construction was completed;
- (c) whether the fiber has been "lit" (and, if so, how, how much, when, and by whom);
- (d) a list of customers on the completed network;
- (e) whether all or any part of the completed network has been or currently is leased (and, if so, the date of the lease, the name of lessee and a description of the lease terms); and
- (f) whether any portion of the completed network has been sold (and, if so, a description of the sale, the name of the purchaser and the date of the sale).

RESPONSE: (a) Syracuse: 42 miles, 72 count; Rochester: 115 miles, 72 count; Buffalo: 66 miles, 72 count; Albany: 113 miles, 72 count.

(b) Syracuse was completed 04/01, Rochester was completed 08/01, Buffalo was completed 10/01, and Albany was completed 10/01.

(c) Fibertech objects to providing specific information as to what customers have lit what fiber because that information is competitively sensitive. Subject to this objection, the following segments have been lit as follows: Pittsburgh Segment in 10/01; Syracuse in 02/01, 05/01 and 10/01, Rochester Ring 1 in 07/01 and Rochester Ring 2 in 10/01; Buffalo in 10/01; Albany in 06/01, 09/01 and 10/01.

(d) Fibertech objects to producing a list of such customers on the grounds that they are irrelevant to the issues in dispute and that the identification of where customers are providing service is competitively sensitive and proprietary to the customers as well as Fibertech, and therefore confidential.

(e) Yes. Fibertech objects to producing such lease terms on the grounds that they are irrelevant to the issues in dispute and that certain of these leases terms are competitively sensitive and therefore confidential. The lease terms are for dark fiber, and since there is no dispute that Fibertech is a dark fiber carrier and it is SELP's position that a dark fiber carrier is not a "licensee" within the meaning of G.L. c. 166 § 25A, the lease terms are therefore immaterial. In this light, the burden of seeking protective treatment or obtaining authorization from Fibertech's customers to produce outweighs any marginal probative value of the lease terms. Fibertech further objects to producing leases of customers that do not do business in Massachusetts.

(f) None have been sold.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF SHREWSBURY'S ELECTRIC
LIGHT PLANT TO FIBER TECHNOLOGIES NETWORKS, L.L.C.

D.T.E. 01-70

December 20, 2001

Witness Responsible: Frank Chiaino, Chief Operating Officer of Fibertech

SELP 2-8: Please refer to Mr. Chiaino's testimony at page 3. With respect to the partially completed networks in Hartford and Pittsburgh, please

- (a) provide a description of that network (length, transmission capabilities, capacity levels);
- (b) when construction was completed;
- (c) whether the fiber has been "lit" (and, if so, how, how much, when, and by whom);
- (d) a list of customers on the completed network;
- (e) whether all or any part of the completed network has been or currently is leased (and, if so, the date of the lease, the name of lessee and a description of the lease terms); and
- (f) whether any portion of the completed network has been sold (and, if so, a description of the sale, the name of the purchaser and the date of the sale).

RESPONSE: (a) Pittsburgh: 150 miles, 96 count; Hartford: 152 miles, 96 count.

(b) Pittsburgh: 4 miles completed to date; Hartford: 3 miles completed to date.

(c) Fibertech objects to providing specific information as to what customers have lit what fiber because that information is competitively sensitive. Subject to this objection, the following segments have been lit as follows: Ring 6 on 09/01; Hartford on 10/01.

(d) See Response to SELP 2-7 (d).

(e) Please see Response to SELP 2-7 (e).

(f) None have been sold.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF SHREWSBURY'S ELECTRIC
LIGHT PLANT TO FIBER TECHNOLOGIES NETWORKS, L.L.C.

D.T.E. 01-70

December 20, 2001

Witness Responsible: Frank Chiaino, Chief Operating Officer of Fibertech

SELP 2-9: Please refer to Mr. Chiaino's testimony at page 3. With respect to the construction described as "networks in progress", please

- (a) provide a description of the status of construction of that network, a description of the current plans for that network when completed (length, transmission capabilities, capacity levels);
- (b) when construction is estimated to be completed; whether any fiber has been "lit" (and, if so, how, how much, when, and by whom);
- (c) a list of customers or potential customers who have executed agreements with respect to these "networks in progress";
- (d) whether all or any part of the yet to be completed network is subject to a lease or other agreement (and, if so, the date of the lease or agreement, the name of lessee or party signing the agreement), and
- (e) a description of the lease or agreement terms, and whether any portion of the to be completed network has been sold or optioned (and, if so, a description of the sale or option, the name of the purchaser and the date of the sale or option).

RESPONSE: (a) New Haven: 152 miles, 72 count; Columbus: 96 miles, 72 count; Indianapolis: 141 miles, 72 count; Providence: 90 miles, 81 count; Springfield: 68 miles, 72 count; Worcester: 107 miles, 72 count.

(b) New Haven: 03/02; Columbus: 12/02; Indianapolis: 01/02; Providence 02/02; Springfield: 03/02; Worcester: 03/02.

(c) See Response to SELP 2-7 (d).

(d) No.

(e) Please see Response to SELP 2-7 (e).

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF SHREWSBURY'S ELECTRIC
LIGHT PLANT TO FIBER TECHNOLOGIES NETWORKS, L.L.C.

D.T.E. 01-70

December 20, 2001

Witness Responsible: Frank Chiaino, Chief Operating Officer of Fibertech

SELP 2-10: Please refer to Mr. Chiaino's testimony at page 4. To the extent not otherwise explained in Fibertech's response to Information Request 2-7 through 2-9, above,

- (a) please list and describe all "customers on all four networks" in New York, including, at a minimum, a description of the nature of the service provided to each customer, whether the dark fiber associated with this customer has been lit and, if so, how, how much, when, and by whom, and
- (b) please list all customers associated with the completed portions of the Hartford and Pittsburgh networks, including, at a minimum, a description of the nature of the service provided to each customer, whether the dark fiber associated with this customer has been lit and, if so, how, how much, when, and by whom.

RESPONSE: Please see responses to 2-7, 2-8 and 2-9.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

SECOND SET OF INFORMATION REQUESTS OF SHREWSBURY'S ELECTRIC
LIGHT PLANT TO FIBER TECHNOLOGIES NETWORKS, L.L.C.

D.T.E. 01-70
December 20, 2001

Witness Responsible: Frank Chiaino, Chief Operating Officer of Fibertech

SELP 2-11: Referring again to Mr. Chiaino's testimony at page 4, if the answers to Information Requests 2-7 through 2-10, above, indicate that Fibertech has no customers on its Hartford and Pittsburgh networks, please explain how Fibertech is "providing service over the completed portions of the Hartford and Pittsburgh networks."

RESPONSE: Please see responses to 2-7, 2-8 and 2-9.